

REMARKS/ARGUMENTS

In an Examiner's Comment mailed 11/2/2004, the Examiner indicated that applicants' Declaration was defective in that, "The oath needs to include the continuation information referring to the parent application." Applicants disagree.

According to 37 CFR 1.63:

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

(1) Identify the application to which it is directed;

...

(d)

(1) A newly executed oath or declaration is not required under §1.51(b)(2) and §1.53(f) in a continuation or divisional application, provided that:

(i) The prior nonprovisional application contained an oath or declaration as prescribed by paragraphs (a) through (c) of this section;

...

According to MPEP 602, Sec. VI:

The following combination of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

(A) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

...

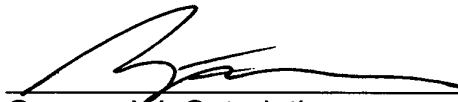
In accordance with these requirements, applicants submitted a Declaration in compliance with 37 CFR 1.63(b)(1) and MPEP 602, Sec. VI in their parent patent application. As a result, a new Declaration is not required in this divisional

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application. It is therefore believed inappropriate to now amend the Declaration of the parent application to insert any additional information therein.

Respectfully submitted,
DAHL & OSTERLOTH, L.L.P.

By:



Gregory W. Osterloth
Reg. No. 36,232
Tel: (303) 291-3200